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Counsel for Defendant GRAVES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW GRAVES,

Defendant.

No. CR 12-885 WHA

STIPULATION and ~~PROPOSED~~
ORDER TO MOVE MOTION HEARING
DATE TO JULY 9, 2013

Date: June 18, 2013

Time: 2:00 p.m.

Court: The Honorable William H. Alsup

Undersigned counsel stipulate as follows:

1. A motion hearing on Mr. Graves' pretrial motions is currently scheduled in this matter on June 18, 2013. The opening briefs are due tomorrow, May 21, 2013;
2. The parties are currently involved in pretrial negotiations and believe that a disposition of the case short of trial is feasible;
3. Because motion practice - specifically, the filing of the defendant's pretrial motions - will greatly interfere with the parties' mutual ability to settle the case, defense counsel is requesting a three week continuance for the filing of pretrial motions in this matter, and to move the motion hearing date to **July 9, 2013 at 2:00 pm**. This date is still well ahead of the trial date, currently scheduled for September 9, 2013. Counsel is not requesting a continuance of the trial date at this time;
4. At this time, the only pretrial motions contemplated by defense counsel are a

motion to suppress based on a warrantless probation search, as well as a motion demanding disclosure of 404(b) material well in advance of trial (or, in the alternative, a motion to exclude 404(b) material). The 404(b) motion is traditionally handled as an *in limine* motion by the Court; however, the scope of 404(b) material involved in this case requires, in defense counsel's estimation, advanced briefing and contemplation by the Court;

5. Were the Court to agree to the stipulated continuance, the briefing schedule for defendant's pretrial motions would be as follows:

Opening Brief Due: June 11, 2013

Response Due: June 25, 2013

Reply Due: July 2, 2013

Hearing: July 9, 2013.

IT IS SO STIPULATED.

DATED: May 21, 2013

_____/S/_____
 ELIZABETH M. FALK
 Assistant Federal Public Defender

DATED: May 21, 2013

_____/S/_____
 KEVIN BARRY
 Assistant United States Attorney

[PROPOSED] ORDER

GOOD CAUSE APPEARING, it is hereby ORDERED that the motion hearing on Defendant's pretrial motions is hereby continued to July 9, 2013 at 2:00 p.m. The briefing schedule suggested by the parties in the aforementioned stipulation is hereby ADOPTED by this Court.

IT IS SO ORDERED.

1 DATED: May 21, 2013.

2 THE UNITED STATES OF AMERICA
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ALSUP
JUDGE
Judge William Alsup